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VIA ECF

May 28, 2021

The Honorable Leonie M. Brinkema
United States District Judge
U.S. District Court for the Eastern District of Virginia
Alexandria Division
Albert V. Bryan U.S. Courthouse
401 Courthouse Square
Alexandria, VA 22314

Re: Plaintiffs' Letter regarding the Court's May 19, 2021 Order

Dear Judge Brinkema:

In light of this Court's Order filed May 19, 2021, which provides that any legal argument as to why the modified affirmative defenses in Defendant Khalifa Hifter's amended and, now, operative Answer, filed Mar. 26 (ECF Nos. 75-76) ("Amended Answer") should be stricken is appropriate only if accompanied by a motion pursuant to E.D. Va. L. R. Civ. P. 7, Plaintiffs write to correct their position set forth in their letter of May 18, 2021 (ECF No. 95). Specifically, Plaintiffs seek to withdraw their pending motion to strike affirmative defenses in Defendant's initial Answer (ECF No. 71) ("Motion"), and to file a new motion to strike the affirmative defenses set forth in the Amended Answer.

The initial Answer, filed February 19, 2021, contained eleven affirmative defenses. The Amended Answer omits six of those defenses and contains new and/or modified allegations purporting to support the five defenses that remain. These amendments render the Motion moot in certain aspects and, more importantly, the legal arguments set forth in the Motion inapposite.

Accordingly, Plaintiffs will withdraw the Motion pending at ECF No. 72 and to file a new motion to strike the affirmative defenses in the Amended Answer.

Respectfully submitted,

/s/ Kevin T. Carroll

Kevin T. Carroll
Joseph G. Grasso (admitted *pro hac vice*)